

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re: Guidant Corp
Implantable Defibrillator
Product Liability Litigation

Multidistrict Litigation No.
05-1708 (DWF/AJB)

BENJAMIN LEBOW

Plaintiff,

v.

GUIDANT CORPORATION, et al.

Defendants.

Case No/ 0:07-CV-2³251-DWF/AJB
MOTION TO WITHDRAW AS
COUNSEL FOR BENJAMIN
LEBOW

Pursuant to Local rule 83.7, counsel for Benjamin Lebow, Michael E. Schmidt of The Schmidt Firm, LLC, Schmidt & Clark, and the firms of Goldenberg & Johnson and The Crosby Law Office seeks to withdraw as counsel for Benjamin Lebow in Civil case N. 07-CV-2251-DWF/AJB because of irreconcilable differences as demonstrated below.

Mr. Schmidt has discussed with Mr. Lebow the status of the proceedings, the existence of a proposed settlement, the likely recovery under the settlement, the necessary steps to remain part of that settlement, and the deadline for meeting these requirements. Mr. Schmidt has explained to Mr. Lebow the facts of his case and the current status of the Guidant Litigation and Mr. Lebow has rejected his advice.

Counsel seeks leave to withdraw as the status of the Guidant Litigation has been thoroughly discussed with Mr. Lebow and there is a diverse difference of opinion regarding litigation strategy. Given that Plaintiff's counsel, Mr. Schmidt, and Mr. Lebow disagree on the litigation strategy of his case and on what counsel believes is in the best interest of the client, Michael E. Schmidt of The Schmidt Firm, LLC and Schmidt & Clark and the firms of Goldenberg & Johnson and The Crosby Law Office hereby submits this Motion To Withdraw As Counsel for Plaintiff Benjamin Lebow.

Date: April 8, 2008

Respectfully submitted,



Michael Schmidt (TX ID# 00785361)
The Schmidt Firm
2911 Turtle Creek Blvd, Suite 1400
Dallas, Texas 75219
Telephone: (214) 521-4898

AND

Michael Johnson (MN ID# 258696)
Lucia McLaren (MN ID#0388088)
Goldenberg & Johnson
South Sixth Street, Suite 4530
Minneapolis, MN 55402
Telephone: (612) 335-9961

AND

Joseph M. Crosby (MN ID# 175043)
Crosby Law Office
952 Grand Avenue
Saint Paul, MN 55105
Telephone: (651)-225-1860

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS LIABILITY
LITIGATION

This Document Relates to:

BENJAMIN LEBOW,

Plaintiff,

v.

GUIDANT CORPORATION, et al.,

Defendants.

MDL No. 05-1708 (DWF/AJB)
Case No. 07-CV-02251-DWF-AJB


**LR 7.1(c) WORD COUNT
COMPLIANCE CERTIFICATE
REGARDING MOTION TO
WITHDRAW AS COUNSEL FOR
PLAINTIFF BENJAMIN LEBOW**

I, Michael E. Schmidt, certify that Plaintiff's Memorandum in Opposition to Motion to Transfer Venue complies with Local Rule 7.1(c).

I further certify that, in preparation of this motion, I used Microsoft Word Version 2003 and that this word processing program has been applied specifically to include all text, including headings, footnotes, and quotations in the following word count.

I further certify that the above referenced memorandum contains 334 words.

Dated: April 8, 2008


Michael Schmidt (TX ID# 00785361)
The Schmidt Firm
2911 Turtle Creek Blvd, Suite 1400
Dallas, Texas 75219
Telephone: (214) 521-4898